

REMARKS

This Amendment is in response to the Office Action mailed March 17, 2009, the due date for response to which is extended by three months from June 17 to September 17, 2009. All of the pending claims 1-21 were rejected in that Office Action.

Claims 1, 10, and 20 are amended; claim 17 is cancelled; and new claims 22-30 are added in this paper. Claims 1-16 and 18-30 are thus now pending for examination. Reexamination and reconsideration of those claims and the application as a whole are now respectfully requested.

Rejection Under 35 U.S.C. § 103

Previously pending claims 1-21 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bendarek in combination with Cox et al.

Independent claim 1 is directed to a surgical ablation instrument with a housing that can be bent into a loop. As currently amended, claim 1 requires:

a connecting element at the distal end of the housing, wherein the connecting element is configured to engage with the housing at a location on the housing proximal of the connecting element to secure the housing in the loop configuration.

Support for that limitation appears, *e.g.*, in Fig. 1A of the application in which a U-shaped hook is shown as one possible connecting element 30 at the distal end of the housing 22. These elements and their functions are described, *e.g.*, at paragraphs [0046]-[0048] of the specification.

Neither Bendarek nor Cox describes, depicts, or suggests use of such a connecting element in a device of the claimed configuration. Amended independent claim 1 is thus believed

patentable over the cited art, as are claims 2-9, 18, and 22-24, each of which depends in some way from claim 1.

Second independent claim 10 is directed to a method for ablating a target tissue. Among its elements, claim 10 as currently amended requires steps of:

providing a surgical ablation instrument comprising a housing [and] a connecting element at the distal end of the housing configured to engage with the housing at a location on the housing proximal of the connecting element to secure the housing in the loop configuration

[and]

engaging the connecting element with the housing at the location on the housing proximal of the connecting element to secure the housing in the loop configuration.

Neither of the references cited previously against claim 10 teaches or suggests these claimed steps. Second independent claim 10, as currently amended, is thus believed patentable over the cited art, as are claims 11-16, 19, and 25-27, each of which depends from claim 10.

Claim 17, which was previously the application's third independent claim, is cancelled in this paper.

Claim 20, which is now the application's third and final independent claim, is directed to a method for ablating cardiac tissue with a surgical ablation element. Claim 20, as now amended, includes elements corresponding to those described above in connection with independent claim 10. Claim 20 is thus believed patentable for at least the same reasons as those that apply to claim 10, and the same is thus true of claims 21, and 28-30, which depend from claim 20.

Conclusion

For at least the reasons set forth above, claims 1-16 and 18-30 are now believed patentable and in condition for allowance. Reexamination and reconsideration of those claims and the application as a whole are thus now respectfully requested.

If the Examiner believes that a telephone conference might in any way serve to advance prosecution of this application, the Examiner is cordially invited to telephone the undersigned attorney at the telephone number listed below.

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Respectfully submitted,

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